

C. FACTS

6. Defendant operates a facility, located at 2 Addison Place in the City of Providence, Rhode Island, used for electroplating industrial metal parts and components (the “Facility”).
7. The Defendant is registered with the Rhode Island Department of Environmental Management as a small quantity hazardous waste generator at the Facility, pursuant to the Rhode Island Code of Regulations titled *Rules and Regulations for Hazardous Waste Management*, 250-RICR-140-10-1 (the “Hazardous Waste Regulations”), and pursuant to Title 40 of the Code of Federal Regulations under the name of “International Chromium Plating Company” with the U.S. Environmental Protection Agency identification number RID001208503.
8. On March 29, 2018, the Facility was inspected by the Plaintiff pursuant to R.I. Gen. Laws § 23-19.1-12.
9. The March 29, 2018 inspection revealed multiple violations of the State’s Hazardous Waste Management Act and Hazardous Waste Regulations.

COUNT 1

(Violation of Hazardous Waste Management Act)

10. Plaintiff hereby restates and incorporates by reference the allegations contained in Paragraph 1 through 9 above.
11. On or about March 29, 2018, during Plaintiff’s inspection of the Facility, the Defendant was storing a polishing dust in a fifty-five (55) gallon container located outdoors on the east side of the building.
12. On or about March 29, 2018, the Defendant failed to complete a waste determination for the polishing dust material stored in a fifty-five (55) gallon container located outdoors on

the east side of the building.

13. Defendant, in failing to determine if the polishing dust that was generated and stored onsite meets the definition of hazardous waste, is in violation the R.I. Gen. Laws § 23-19.1-1 *et seq.* and the Hazardous Waste Regulations Part 1.7.3(A).

COUNT 2

(Violation of Hazardous Waste Management Act)

14. Plaintiff hereby restates and incorporates by reference the allegations contained in Paragraph 1 through 13 above.
15. On or about March 29, 2018, during Plaintiff's inspection of the Facility, a fifty-five (55) gallon container holding used oil was observed in the wastewater treatment room.
16. On or about March 29, 2018, a fifty-five (55) gallon container holding used oil located in the wastewater treatment room was not labeled.
17. Defendant, in failing to properly label a fifty-five (55) gallon container holding used oil located in the wastewater treatment room, is in violation the R.I. Gen. Laws § 23-19.1-1 *et seq.* and the Hazardous Waste Regulations Part 1.16.4(A)(1)(c).

COUNT 3

(Violation of Hazardous Waste Management Act)

18. Plaintiff hereby restates and incorporates by reference the allegations contained in Paragraph 1 through 17 above.
19. On or about March 29, 2018, during Plaintiff's inspection of the Facility, a fifty-five (55) gallon container holding used oil was observed in the wastewater treatment room.
20. On or about March 29, 2018, a fifty-five (55) gallon container holding used oil located in the wastewater treatment room was not closed.
21. Defendant, in failing to close a fifty-five (55) gallon container holding used oil located in

the wastewater treatment room, is in violation the R.I. Gen. Laws § 23-19.1-1 *et seq.* and the Hazardous Waste Regulations Part 1.16.4(A)(1)(e).

COUNT 4

(Violation of Hazardous Waste Management Act)

22. Plaintiff hereby restates and incorporates by reference the allegations contained in Paragraph 1 through 21 above.
23. On or about March 29, 2018, the Plaintiff reviewed Defendant's written Personnel Training Program.
24. Defendant's written Personnel Training Program fails to include a definition of hazardous waste.
25. Defendant's written Personnel Training Program fails to include a list of hazardous waste generated at the Facility.
26. Defendant's written Personnel Training Program fails to set forth procedures to follow to ensure proper handling of hazardous waste.
27. Defendant's written Personnel Training Program fails to set forth procedures to follow to ensure proper storage of hazardous waste.
28. Defendant's written Personnel Training Program fails to provide a description of regulatory exemptions that apply to waste generated onsite.
29. Defendant's written Personnel Training Program fails to provide a description of proper tank and container labeling requirements.
30. Defendants' written Personnel Training Program fails to identify the proper evacuation routes.
31. Defendant, in failing to include all necessary elements required in a written Personnel Training Program, is in violation of the R.I. Gen. Laws §§ 23-19.1-1 *et seq.* and the

Hazardous Waste Regulations Part 1.7.13(F).

COUNT 5

(Violation of Hazardous Waste Management Act-Damages)

32. Plaintiff hereby restates and incorporates by reference the allegations contained in Paragraph 1 through 31 above.
33. Pursuant to R.I. Gen. Laws § 23-19.1-17, any person who shall violate the provisions of this chapter, or any rule or regulation pursuant to this chapter, shall be subject to a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation.
34. Pursuant to R.I. Gen. Laws § 23-19.1-17, for continuing violations, each day's continuance of the violation shall be deemed to be a separate and distinct offense.
35. The Plaintiff has not been made aware of Defendant's return to compliance regarding any of the violations stated in Counts 1-4.

WHEREFORE, the Plaintiff, Janet L. Coit, in her capacity as Director of the Rhode Island Department of Environmental Management, hereby requests that Judgement be entered in favor of the Plaintiff, ordering the Defendant's immediate compliance with R.I. Gen. Laws § 23-19.1-1 *et seq.* and all provision of the *Rules and Regulations for Hazardous Waste Management 250-RICR-140-10-1 et seq.*) and civil penalties pursuant to R.I. Gen. Laws § 23-19.1-17 be awarded.

VERIFICATION

I, Tracey Tyrrell, Supervising Environmental Scientist of Rhode Island Department of Environmental Management's Office of Compliance and Inspection and an authorized representative of the Director, first being duly sworn upon oath, hereby state that the facts contained in this Complaint to the best of my knowledge and belief, are true and accurate.

For the Director,

By: _____
Tracey Tyrrell
Supervising Environmental Scientist
Office of Compliance and Inspection
Dated: March ____, 2020.

**STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE**

Subscribed and sworn to before me this ____ day of March 2020.

NOTARY PUBLIC
My Commission Expires:

Respectfully submitted,
JANET L. COIT,
in her capacity as Director,
RHODE ISLAND DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

By her attorney:

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